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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,066	12/07/2000	Craig Skinner	24530.01200	9725
7590 04/07/2005			EXAMINER	
Tobi C. Clinton CROSBY, HEAFEY, ROACH & MAY P. O. Box 7936 San Francisco, CA 94120-7936			TRAN, ELLEN C	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,066

Applicant(s)

SKINNER ET AL.

Examiner

Ellen C Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: filed on 11 November 2004 with an original application filed 7 December 2000.
2. Claims 1-24 are currently pending in this application. Claims 1, 11, and 15 are independent claims. Claims 1-7, 9, 11, 14-21, and 23, have been amended.

Response to Arguments

3. Applicant's arguments filed 8 November 2004 have been fully considered but they are not persuasive.

In response to applicants argument beginning on page 7, "In contrast, the '176 patent describes a process wherein a portable communication device makes contact with a network and then determines device's network provider ... None of this anticipates the claimed invention. The claimed invention is a generic framework within a computer or PDA that can be configured to be compatible with multiple carriers and can be used with multiple wireless network types". The Office disagrees the reference does show that the a PDA makes contact with a network and allows a user to roam on various networks, however in addition to roaming the reference shows the user of the PDA can select which "network provider" that desire to use. Note "multiple carriers" has the same meaning as "network provider" see '176 col. 10, lines 38-52, as well as, see '176 col. 15, lines 5-47.

"In this embodiment each System ID may be uniquely associated with a respective network provider, and thus the user may configure the System ID on his/her PCD 110 to uniquely identify the network provider to which the user has selected or subscribed".

Also the user is able to select which carrier they would prefer to use receive carrier info and configure the PDA to operate with the selected carrier. “Alternatively, certain portions of the network infrastructure may be built and maintained ... users who have never previously subscribed to a network provider may be allowed to communicate with an AP 120 and select a network provider, or be assigned the default network provider, for access ... If the wireless network system provides a mechanism for the user to register or subscribe to a network provider, the user may do so and receive Internet access through that selected provider. As another alternative, the network system may provide a mechanism for the user to register or subscriber to an external network provider”. Note “configuring the computer” has the same meaning as “mechanism for the user to register or subscriber to an external network provider”.

This is also shown in the below rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. U.S. Patent No. 6,732,176 (hereinafter ‘176).

As to independent claim 1, “A method of handling network activation between a computer and a carrier, the method comprising:” is taught in ‘176 col. 7, lines 46-54;

“receiving a at a plug-in device a command from a driver to initiate network activation procedures; determining at the plug-in device a network activation status of the computer; sending a request to a device having network carrier activation information; receiving the network carrier activation information from the device” is shown in ‘176 col. 2, lines 21-59;

“and configuring the computer with the network carrier activation information in order to establish network activation with the carrier” is shown in ‘176 col. 8, lines 4-34.

As to dependent claim 2, **“wherein the received command at the plug-in device includes a launch code to initiate a particular network carrier activation procedure”** is disclosed in ‘176 col. 8, lines 44-49.

As to dependent claim 3, **“wherein the device having network carrier activation information is a single in-line memory module (SIMM) card configured to be compatible with the carrier”** is taught in ‘176 col. 6, lines 45-67.

As to dependent claim 4, **“wherein the step of determining a network carrier activation status comprises determining if the computer has a current single in-line memory module (SIMM) card that is compatible with the carrier”** is shown in ‘176 col. 7, lines 24-54 and col. 8, lines 50-58.

As to dependent claim 5, **“wherein the step of determining a network carrier activation status further comprises: determining if the computer was previously network activated with a previous single in-line memory module (SIMM) card; and determining if the previous SIMM card is the current SIMM card”** is disclosed in ‘176 col. 10, lines 37-52.

As to dependent claim 6, “wherein the step of determining a network carrier activation status comprises: receiving an activation security key from a user of the computer; and determining if the activation security key is valid for the carrier” is taught in ‘176 col. 11, lines 54-65.

As to dependent claim 7, “wherein the device having the network carrier activation information” is shown in col. 8, lines 35-43;

“is a server of the carrier ” is disclosed in col. 8, lines 9-14.

As to dependent claim 8, “wherein the step: sending and receiving are carried out in a protocol specific to the carrier” is taught in col. 7, lines 24-34.

As to dependent claim 9, “wherein the network carrier activation information that is received includes an access number that allows the computer to access network services of the carrier” is shown in col. 2, lines 31-41.

As to dependent claim 10, “wherein the step of configuring the computer comprises” is disclosed in ‘176 col. 11, line 66 through col. 12, line 10

“storing an access number that allows the computer to access network services of the carrier” is shown in ‘176 col. 12, lines 64-67.

As to independent claim 11, “A plug-in device configured to be operable in a generic activation framework” is taught in ‘176 col. 6, line 45-59;

“the plug-in device comprising: an application program interface (API) tailored to a particular carrier, wherein the API is configured to receive a network carrier activation command from a generic driver device in a computer” is shown in ‘176 col. 8, lines 35-49.

As to dependent claim 12, this claim is substantially similar to claim 2 above and is rejected along the same rationale.

As to dependent claim 13, this claim is substantially similar to claim 6 above and is rejected along the same rationale.

As to dependent claim 14, this claim is substantially similar to claim 4 above and is rejected along the same rationale.

As to independent claim 15, this claim is directed to the computer-readable medium of the method of claim 1 and is rejected along the same rationale.

As to dependent claims 16-24, these claims are substantially similar to claims 2-10 above and are rejected along the same rationale.

Conclusion

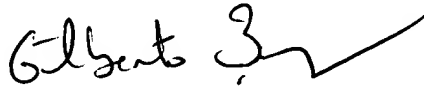
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
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31 March 2005


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